IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 2509 of 2007(W)

PETITIONER:

SANI THOMAS, S/O.C.M.THOMAS,
PROPRIETOR, CHORAPPILLY TRADERS,
II/117(1) PERUMPADANNA, NEAR PRABHUS THEATRE,
INFANT JESUS ROAD, NORTH PARUR.

BY ADV. SRI.KMV.PANDALAI

RESPONDENTS:
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1. THE SUPERINTENDENT OF POLICE,
ALUVA.

2. THE CIRCLE INSPECTOR OF POLICE,
NORTH PARUR.

3. THE SUB INSPECTOR OF POLICE,
NORTH PARUR.

4. I.N.T.U.C. REPRESENTED BY ITS SECRETARY,
V.C.PATHROSE, POOL 7 UNIT, NORTH PARUR.

5. A.I.T.U.C. REPRESENTED BY ITS SECRETARY,
K.M.DIVAKARAN, POOT 7 UNIT, NORTH PARUR.

6. CITU REPRESENTED BY ITS SECRETARY,
C.A.RAJEEV, POOL 7 UNIT.

*7. CHAIRMAN, PARAVUR LOCAL COMMITTEE
KERALA HEAD LOAD WORKERS WELFARE BOARD, PARAVUR
(*ADDL.R7 IS IMPLEADED AS PER ORDER DATED 14-3-2007 IN I.A 3507/2007)

BY ADV. SRI.RENIL ANTO KANDAMKULATHY,SC,KHLWWB
GOVT. PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

Petitioner's Exhibits

Ext.P1: True copy of the property tax receipt issued by the Secretary, Paravur Municipality dated 04-01-2006

Ext.P2: True copy of the inspection Note of the Labour Commissioner

Ext.P3: True copy of the Registration Certificate dated 28.8.2006 signed by Asst.Labour Officer, N.Paravur.

Ext.P4: True copy of the complaint filed by the petitioner before the 3rd respondent dated 5.01.2007

//True copy//

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K.BALAKRISHNAN NAIR & HARUN-UL-RASHID, JJ.

WPC NO.2509 OF 2007-W

Judgment

Balakrishnan Nair, J.

The petitioner is running a cement retail shop. He is having two permanent workmen M/s.K.S.Anilkumar and M.P.Davis for doing the headload work. While so, the members of respondents 3 and 4 tried to cause obstruction claiming that they are entitled to do the loading and unloading work in his shop. Therefore, the petitioner has filed Ext.P4 representation before the police seeking protection and thereafter, this Writ Petition is filed seeking appropriate reliefs. The petitioner submits, he has regular workmen under him and therefore, he does not require the services of the headload workers from the pool. So, he seeks protection to his workmen to do the loading and unloading work.

2. The Headload Workers Welfare Board has got itself impleaded in this Writ Petition and has filed a counter affidavit, stating that in the scheme area, all the Headload Workers doing the loading and unloading should get registration under Rule 26A of the Head Load Workers Rules. This Court

already granted interim order in favour of the petitioner granting protection to do the loading and unloading work using his workers M/s.Anilkumar and Davis, provided the area in question is not a scheme covered area. Now, it is common case that the area where the petitioner runs the business is a scheme covered area. But the petitioner can do the loading and unloading work in his shop using his workers, provided they have the registration under Rule 26A of the above said Rules from the Assistant Labour Officer concerned. It is submitted by the learned counsel for the petitioner that his two workmen will apply for registration. The police shall ensure that no obstruction is caused to them for a period of two months from today. If the above said workmen get the registration under Rule 26A of the Rules within the said time limit, they can continue to do the loading and unloading work. Otherwise, the petitioner has to approach the local committee of the Headload Workers Welfare Board for providing the services of the headload workers from its pool.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE

13.08.2007 **HARUN-UL-RASHID, JUDGE**

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